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mining when changes are reasonable. Different courts have come to different conclusions on similar facts, and the decisions of a single court are not always harmonious. Increasing rates is a violation of vested rights, *Wright v. Knights of Maccabees*, 95 N. Y. Supp. 996; the rates cannot be raised. *Dowdall v. Sup. Council, etc.*, 196 N. Y. 405, 89 N. E. 1075; a company may increase the rates, *Mock v. Sup. Council*, 106 N. Y. Supp. 155; permissible if necessary to the life of the company, *Evans v. Southern Tier Ass'n*, 88 N. Y. Supp. 162. The tendency of New York courts however is contrary to the principal case. The insured has a right to object but waives it by paying an assessment. An increase is a violation of vested rights, *Strauss v. Mut. Res. Ass'n*, 128 N. C. 465, 39 S. E. 55. In support of the principal case see: *Fullenwider v. Sup. Council*, 180 Ill. 621, 54 N. E. 485; *Miller v. Nat. Council*, 69 Kan. 234, 76 Pac. 830; *Reynolds v. Sup. Council*, 192 Mass. 150, 78 N. E. 129; *United Brew. Ass'n v. Cass*, — Tex. Civ. App. —, 119 S. W. 123; *Supreme Council of Royal Arcanum*, 238 Ill. 349, 87 N. E. 299; *Williams v. Sup. Council*, 152 Mich. 1, 115 S. W. 1060; *Norton v. Catholic Order*, — Iowa —, 114 N. W. 893. Contra: *Schack v. Sup. Lodge*, 9 Cal. App. 584, 99 Pac. 989; *Pearson v. Knight Templars*, 114 Mo. App. 283. New by-laws are presumed to be prospective and only a clearly manifested intent will extend them to previously executed certificates. VANCE, INSURANCE, pp. 193-194. It is difficult to see how a change would be unreasonable in any case if necessary to the solvency of the company.

JUDGMENTS—FOREIGN JUDGMENT—MERGER—BAR.—In an action prosecuted in a Canadian Court of record of common law jurisdiction by plaintiffs in error against defendants in error the latter counterclaimed a debt and received judgment thereon. Subsequently the defendants in error brought suit in the United States Circuit Court on a cause of action identical with his counterclaim. *Held*, judgment rendered by foreign court on a counterclaim did not merge the original cause of action and was no bar to a future action for the same cause in a domestic court. *Swift et al. v. David* (1910), — C. C. A. 9th Cir. —, 181 Fed. 828.

The doctrines that a foreign judgment does not merge the original cause of action, and that actions may still be had on the original cause of action, have long been recognized by the courts. STORY, CONFLICT OF LAWS 599; 1 SMITH, LEAD. CAS., Ed. 11, p. 786. Supported by the decided weight of authority as they are, both in this country and England, *Lyman v. Brown*, 2 Curt. 559, Fed. Cas. 8627; *Hall v. Odber*, 11 East 118; the existence of the two doctrines is no longer disputed. *Bank of Australasia v. Harding*, 9 C. B. 660. *In re Henderson, Nouvion v. Freeman*, 37 Ch. D. 244. Of late the courts seem to be taking a more liberal view of the subject, as is evidenced by the decision in *Alaska Commercial Co. v. Debney* (1904), 2 Alaska 303, holding that some foreign judgments do merge the original cause of action and in such cases the party must sue on the judgment alone. Also see contra, *Jones v. Jamison*, 15 La. Ann. 35, and PIGGOTS, FOREIGN JUDGMENTS, Ed. 2, p. 22, wherein the learned author severely impugns both doctrines and the reasons underlying them. To the same effect is 2 FREEMAN, JUDGMENTS, § 619.